

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDRES GOMEZ,

Plaintiff,

No. C 21-7147 WHA

v.

GATES ESTATES, INC.,

Defendant.

**ORDER MEMORIALIZING AND
CLARIFYING BENCH RULING**

This order clarifies the Court's bench ruling made on the record at yesterday's hearing on defendant's motion to dismiss.

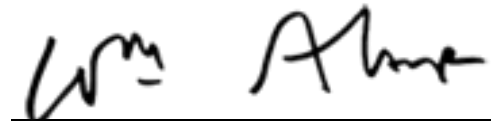
By Monday, February 14 at noon, plaintiff may file a stipulation that the basis for his standing to bring this lawsuit is that he is a "tester" *solely* for defendant's website. That is, that plaintiff only desires to use defendant's website; that plaintiff has no intent or desire to avail himself of, and that he has not been deterred from availing himself of, *the services of defendant's physical office*, as a "tester" or otherwise.

If plaintiff files a clear-cut stipulation so stating, the motion to dismiss will be granted on that question of law and plaintiff may appeal.

Otherwise, the motion will be denied and the Court will order discovery as stated on the record at the hearing.

IT IS SO ORDERED.

Dated: February 11, 2022



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE